

UNITED STATES DISTRICT COURT

for

NORTHERN DISTRICT OF CALIFORNIA
San Francisco Venue

FILED

2008 JAN 11 PM 1:48

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST OF CA

Petition for Summons for Offender Under Supervision

Name of Offender: Oleg Gladshteyn Docket No.: CR 05-00491-14 VRW

Name of Sentencing Judge: Vaughn R. Walker
Chief United States District Judge

Date of Original Sentence: May 8, 2007

Original Offense:

Count One: Use of an Interstate Facility in Aid of Racketeering, 18 U.S.C. § 1952(a)(3), a Class D felony

Original Sentence: 3 months custody, three years supervised release

Special Conditions: Drug/alcohol treatment; search; not own or possess any firearms, ammunition, destructive devices, or other dangerous weapons; no contact with co-defendant; DNA collection.

Type of Supervision: Supervised Release
Assistant U.S. Attorney: Laurel Beeler

Date Supervision Commenced: May 8, 2007
Defense Counsel: Anthony W. Gibbs (Retained)

Petitioning the Court

The issuance of a summons for the offender to appear in court before the duty Magistrate Judge for identification of counsel and setting of further proceedings on January 30, 2008 at 9:30 a.m.

I, Jennifer Hutchings, a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

Charge Number

Violation

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One There is probable cause to believe that the offender violated the standard condition of supervision which states he shall not commit another federal, state or local crime.

On December 26, 2007, Federal Express mistakenly delivered a package to Mr. Gladshteyn's business at 1417 San Mateo Avenue, South San Francisco, CA. The package was signed for by Mr. Gladshteyn's employee, Aleksandr Semizarov. The intended recipient of the shipment was the business at 1416 San Mateo Avenue. Mr. Semizarov and Mr. Gladshteyn decided to keep the items and did not make any attempts to return the property to the rightful owner or to Federal Express. The shipment consisted of the following items from Dell Computer: desktop keyboard; monitor; desktop speakers; subwoofer; tower hard-drive; power cord; mouse; mouse pad; product guide and other application CD's. When confronted by Federal Express on January 3, 2008, Mr. Semizarov initially denied having the shipment. South San Francisco Police were contacted and arrived at Mr. Gladshteyn's place of business. Mr. Semizarov eventually admitted that he had signed for the package and told his boss, Oleg Gladshteyn, that the property had been delivered to the wrong address. Mr. Gladshteyn made the decision to keep the desktop monitor, speakers, subwoofer, hard-drive, power cord and application CD's. He gave the keyboard and desktop mouse to Mr. Semizarov. Mr. Gladshteyn replaced his existing computer monitor with the stolen Dell monitor. Mr. Gladshteyn was contacted by police via phone and advised that no criminal charges would be filed if he returned the stolen property. Mr. Gladshteyn advised police that he would have to contact an "associate" to make arrangements to recover the computer parts. Mr. Gladshteyn made several offers to write a check to Federal Express for the stolen computer parts instead of returning them. He eventually agreed to return all the stolen items to police later that evening. Police entered the business via the property manager and Mr. Semizarov. A search of Mr. Gladshteyn's office revealed the following stolen Dell computer items: a desktop monitor, desktop speakers and a subwoofer. The following day, Mr. Gladshteyn arrived at the South San Francisco Police Station and returned the rest of the stolen items, which were in turn returned to Federal Express.

On January 3, 2008, Mr. Gladshteyn called this probation officer and advised that he thought he had gotten himself in some trouble. He stated that his employee had signed for computer parts that did not belong to them and they decided to "just keep" the stuff. Mr. Gladshteyn acknowledged to this officer that he knew the property was stolen and thought no one would come looking for it. Mr. Gladshteyn advised this officer he would be returning all the items to South San Francisco Police the following day and that the hard-drive had to be obtained from an "associates" house. Mr. Gladshteyn will not be charged by local authorities, as Federal Express did not press charges given the stolen property was returned.

This is evidenced by South San Francisco Police Department report number 08-62 and this officer's conversations with Mr. Gladshteyn.

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Two There is probable cause to believe that the offender violated standard condition number three which states he shall follow the instructions of the probation officer.

On December 3, 2007, Mr. Gladshteyn faxed in a Travel Request Form asking permission to travel to Connecticut for business. Mr. Gladshteyn was advised that this travel would be approved and he was to pick up a Travel Authorization Form from the probation office prior to his departure. The Travel Authorization Form is the document that an offender carries on their person to provide to local law enforcement (should it be necessary) to show that they have permission to be in their city and/or state. Mr. Gladshteyn left for Connecticut without reporting to the probation office to pick up this document. Mr. Gladshteyn has traveled before while on supervised release and knew what procedures he was expected to follow.

This is evidenced by the Travel Authorization Form dated December 3, 2007, that was not picked up by Mr. Gladshteyn and Mr. Gladshteyn's verbal admission that he traveled without the appropriate documentation.

Three There is probable cause to believe that the offender violated special condition number three which states he shall participate in a program of testing and treatment for drug and/or alcohol abuse as directed by the probation officer.

Mr. Gladshteyn has failed to report to Sharper Future for drug testing on the following dates: August 16, 2007; August 17, 2007; September 10, 2007; September 27, 2007; October 8, 2007; October 15, 2007; October 27, 2007; November 26, 2007; December 10, 2007; and December 17, 2007.

This is evidenced by documentation from Sharper Future

Address of offender: 3888 Noriega Street
San Francisco, CA 94112

Based on the foregoing, there is probable cause to believe that Oleg Gladshteyn violated the conditions of his supervision.

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Respectfully submitted,


Jennifer Hutchings
U.S. Probation Officer

Date Signed: January 9, 2008

Approved as to form:


James M. Schloetter
Supervisory U.S. Probation Officer

Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

The issuance of a summons for the offender to appear in court before the duty Magistrate Judge for identification of counsel and setting of revocation proceedings on January 30, 2008 at 9:30 a.m.
 Other:


11 Jan 2008

Date

Vaughn R. Walker
Chief United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

USA,
Plaintiff,
v.
Glandshteyn, et al,
Defendant.

Case Number: CR05-0491 VRW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 11, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Anthony W Gibbs
Law Office of Anthony W. Gibbs
655 Middlefield Road
Redwood City, CA 94063

Laurel Daniels Beeler
U.S. Attorney's Office
Criminal Division
450 Golden Gate Ave
Box 36055
San Francisco, CA 94102

Jennifer Hutchings
USPO

Dated: January 11, 2008

Richard W. Wieking, Clerk
By: Cora Klein, Deputy Clerk

Cora Klein